

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHARLES G. ANDERSON,

Plaintiff,

ORDER

13-cv-34-bbc

v.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security

Defendant.

Before issuing a ruling on defendant Carolyn W. Colvin's motion to dismiss plaintiff Charles G. Anderson's complaint as untimely, I entered an order on June 26, 2013, directing defendant to submit proof that a copy of her decision in plaintiff's application for social security benefits was sent to him at his correct address by the Social Security Administration more than 65 days before January 16, 2013. I told defendant that if she preferred not to contest the mailing date of the decision and so advised the court, a briefing schedule would be set on the merits of plaintiff's claim. Defendant has responded and advised the court that based upon a review of the Social Security Administration's electronic system, she no longer contests the mailing date of the Appeals Counsel Decision.

Accordingly, I will consider defendant's motion to dismiss plaintiff's complaint withdrawn and direct the government to file a copy of the transcript of the proceedings in this case, after which the court will issue a briefing schedule, giving plaintiff time to explain

to the court what mistakes he thinks the Social Security Administration made in evaluating his claim for disability benefits.

ORDER

IT IS ORDERED that

1. Defendant Carolyn W. Colvin's motion to dismiss plaintiff Charles G. Anderson's complaint as untimely, dkt. #34, is considered WITHDRAWN.
2. Defendant Colvin is directed to file a copy of the transcript of the proceedings in this case, by August 12, 2013, after which time the court will issue a briefing schedule on the merits of plaintiff's claim.

Entered this 18th day of July, 2013.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge